

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 11, 14, 15 and 18 and cancelled claims 13 and 17. Accordingly, claims 11, 12, 14-16 and 18 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Withdrawal of Prior Rejections**

The Applicants thank the Examiner for withdrawing, in view of Applicants' arguments submitted in response to the prior office action, the rejection of claims 11, 12, 15 and 16 as being unpatentable over Lindquist, *et al.* (U.S. Patent No. 6,983,149) in view of Amerga, *et al.* (U.S. Patent No. 7,369,534) and Stern-Berkowitz, *et al.* (U.S. Patent No. 7,308,264); claims 13 and 17 as being unpatentable over Lindquist, Amerga, Stern-Berkowitz and Schwarz, *et al.* (U.S. Patent No. 7,248,889); and claims 14 and 18 as being unpatentable over Lindquist, Amerga, Stern-Berkowitz, Schwarz and Choi, *et al.* (U.S. Patent No. 7,031,277). For the reasons that follow, those claims are also patentable over the newly-cited references.

### **3.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 11, 12, 15 and 16 as being unpatentable over RP-020384 (3GPP TSG-RAN meeting #16, "Issues with RRC CR 1478 on measurements," June 7, 2002) in view of Hur, *et al.* (U.S. Patent No. 7,324,479); claims 13 and 17 as being unpatentable over RP-020384, Hur and Schwarz, *et al.* (U.S. Patent No. 7,248,889); and claims 14 and 18 as being unpatentable over RP-020384, Hur and Choi, *et al.* (U.S. Patent No. 7,031,277). The Applicants have amended claims 11 and 15 to include the subject matter of claims 13 and 17, respectively, which have been cancelled, and changed the dependencies of claims 14 and 18 to depend from claims 11 and 15, respectively. Accordingly, the Applicants will address the rejection of claims 11 and 15 in view of the Examiner's stated reasons for rejection of claims 13 and 17.

Claim 11, as amended to include the limitations of claim 13, recites:

11. A method in a Radio Network Controlling unit in a mobile telecommunication network for including a detected set cell in an active set, wherein said detected set cell is a cell not identified by the network and said active set is the set comprising the base stations simultaneously connected to the same mobile terminal in soft handover, said method comprising the steps of:

receiving a measurement report comprising a detected set cell from a mobile terminal located in a first cell;

providing a list for the first cell in the network with cells not defined as neighboring cells to the first cell, wherein the cells in the list are grouped based on their scrambling codes;

identifying the scrambling code of the detected set cell;

creating a temporary relation between one of the cells in the list having an identical scrambling code as the detected set cell and one cell in the AS; and,

adding the one of the cells in the list having an identical scrambling code as the detected set cell to the active set;

determining if the added cell in the list corresponds to the detected set cell by performing uplink synchronization and, if uplink synchronization is achieved:

confirming that the detected set cell is the added cell of the list;

converting the temporary relation into a permanent relation; and,

removing the added cell from the list; and,

if uplink synchronisation is not achieved, putting the added cell in a specific position of the list. (emphasis added)

As the Examiner acknowledges, RP-020384 and Hur do not teach the limitations of claim 13, now incorporated in claim 11. To cure that deficiency, the Examiner looks to the teachings of Schwarz. Schwarz is directed to "providing an enhanced method and device for controlling the power in an asymmetric soft handover situation" (Column 2, lines 59-60). Schwarz, however, does not describe techniques for including a detected set cell in an active set, much less the claimed method, including the steps of:

determining if [an] added cell in a list corresponds to a detected set cell by performing uplink synchronization and, if uplink synchronization is achieved:

confirming that the detected set cell is the added cell of the list;

converting the temporary relation into a permanent relation;  
and,  
removing the added cell from the list; and,  
if uplink synchronisation is not achieved, putting the added cell in a  
specific position of the list. (emphasis added)

An electronic search of Schwarz for the term "list," in fact, does not return any occurrences. Thus, it is not possible that Schwarz teaches the claim limitations involving the removing from a list, or placing in a specific position in such list, the identity of a cell. Therefore, the Examiner has not established a *prima facie* case of obviousness of claim 11.

Whereas independent claim 15 recites limitations analogous to those of claim 11, it is also not obvious over RP-020384, Hur and Schwarz. Furthermore, whereas claims 12 and 14 are dependent from claim 11 and claims 16 and 18 are dependent from claim 15, and include the limitations thereof, they are also not obvious in view of those references, or further in view of Choi.

\* \* \*

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11, 12, 14-16 and 18.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh  
Registration No. 40,542

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-5799  
roger.burleigh@ericsson.com